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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IVAN LEE MATTHEWS, II,
Plaintiff,
vs.
WILLIAM GITTERE, et al.,
Defendant

Case No. 3:19-cv-00217-MMD-WGC

**DEFENDANTS' MOTION FOR
EXTENSION OF DISPOSITIVE
MOTIONS DEADLINE
(First Request)**

Defendants Kira Butcher, Jacob Cruz, William Gittere, William Reubart, and Brandon Stubbs, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Rost C. Olsen, Deputy Attorney General, move this Court for a brief extension of the dispositive motions deadline in this matter, from **June 14, 2021** to **June 28, 2021**.

MEMORANDUM OF POINTS AND AUTHORITIES

District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

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1 When an act may or must be done within a specified time, the
 2 court may, for good cause, extend the time: (A) with or without
 3 motion or notice if the court acts, or if a request is made, before
 the original time or its extension expires; or (B) on motion made
 after the time has expired if the party failed to act because of
 excusable neglect.

4 “The proper procedure, when additional time for any purpose is needed, is to
 5 present to the Court a timely request for an extension before the time fixed has expired
 6 (i.e., a request presented before the time then fixed for the purpose in question has
 7 expired).” *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The
 8 *Canup* Court explained that “the practicalities of life” (such as an attorney’s “conflicting
 9 professional engagements” or personal commitments such as vacations, family activities,
 10 illnesses, or death) often necessitate an enlargement of time to comply with a court
 11 deadline. *Id.*

12 Here, undersigned counsel just completed another dispositive motion in a case
 13 involving Plaintiff Matthews last week,¹ and anticipated having enough time to finish a
 14 dispositive motion in this matter by today as well. However, this estimation proved to be
 15 too ambitious, as undersigned was then tasked to cover a state court hearing today for a
 16 colleague due to illness, which required undersigned to prepare for that hearing rather
 17 than draft the motion for summary judgment in this matter. Accordingly, “the
 18 practicalities of life” in these circumstances lead Defendants to seek this short extension
 19 of the dispositive motions deadline. *See Canup*, 31 F.R.D. at 283.

20 This short extension of the dispositive motions deadline will allow undersigned to
 21 brief the issues and potentially provide the Court bases to adjudicate this matter via
 22 motion, either partially or fully, which would avoid unnecessary trial and preserve
 23 limited judicial resources.

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27 ¹ See *Matthews v. Reubart, et al.*, 3:19-cv-00221-MMD-CLB, ECF no. 12.
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For the foregoing reasons, Defendants move the Court to extend the dispositive motions deadline in this matter from June 14, 2021 to June 28, 2021. Defendants submit this request in good faith and not to cause any undue delay or other improper purpose.

DATED this 14th day of June, 2021.

AARON D. FORD
Attorney General

By:

ROST C. OLSEN
Deputy Attorney General
State of Nevada
Public Safety Division

Attorneys for Defendants

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: June 15, 2021

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 14th day of June, 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF DISPOSITIVE MOTIONS DEADLINE (First Request)**, to the following:

Ivan Lee Matthews
221 W 48th Street
Los Angeles, CA 90037

Campbell
An employee of the
Office of the Attorney General